

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

STATE OF FLORIDA,)	
)	
Appellant,)	
)	
v.)	Case No. 2D11-5949
)	
KENNETH MAYS,)	
)	
Appellee.)	
_____)	

Opinion filed October 12, 2012.

Appeal from the Circuit Court for Manatee
County; Scott M. Brownell, Judge.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Elba Caridad Martin-
Schomaker, Assistant Attorney General,
Tampa, for Appellant.

James Marion Moorman, Public Defender,
and Matthew D. Bernstein, Assistant Public
Defender, Bartow, for Appellee.

PER CURIAM.

The State appeals the dismissal of the charge against Kenneth Mays for possession of a controlled substance in violation of section 893.13(1)(a)(1), Florida Statutes (2010). The circuit court dismissed the charge based on its conclusion that section 893.13 was facially unconstitutional. We reverse based on the supreme court's

recent decision in State v. Adkins, 37 Fla. L. Weekly S449 (Fla. July 12, 2012), which held that section 893.13 is not facially unconstitutional, and we remand for further proceedings.

Reversed.

KELLY, VILLANTI, and MORRIS, JJ., Concur.